

**REMARKS**

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1-68 are pending in the application. Claim 69 has been cancelled without prejudice or disclaimer. Claims 1-5, 7, 16-17, 19, 21-25, 28, 30, 54-56 and 65 have been amended to better define the claimed invention. No new matter has been introduced through the foregoing amendments.

Consideration of previously non-elected claims 16-17, 19, 21-25, 28, 30 which are now dependent on elected independent claim 1 and hence readable on the elected invention/species is respectfully requested.

The 35 U.S.C. 112, *second paragraph* rejection manifested in paragraph 10 of the Office Action is either moot or believed overcome in view of the above amendments.

The 35 U.S.C. 102(e) rejection of the original elected claims as being anticipated by *Schmelzer* (U.S. Patent Application Publication No. 2003/0037010) is traversed for the reasons presented herein below.

As to independent claim 1, Applicants respectfully submit that *Schmelzer*, as applied by the Examiner, does not fairly teach or disclose each and every element of the rejected claims. For example, the reference, as applied by the Examiner, is not a network-attachable data storage device. Rather, it is a monitored network data center 121 that is configured to monitor, not store, network data.

The Examiner's argument found in the Office Action at page 8, lines 1-5 from bottom is noted. Basically, the Examiner argued that data in *Schmelzer* is received from the Internet which

uses non-volatile memory, e.g., hard disks, CD-ROMs to store sharable media. Applicants respectfully disagree, because, as best seen in Fig. 1 of *Schmelzer*, such hard disks, CD-ROMs do not belong to the network appliance 104 or monitored network data center 121 which the Examiner reads on the claimed network-attachable data storage device. Therefore, the *Schmelzer* Internet-connected hard disks, CD-ROMs are not readable on the claimed non-volatile memory which is a part of the claimed network-attachable data storage device.

Further, *Schmelzer*, as applied by the Examiner, does not disclose a network-attachable data storage device that contains a programmed set of rules as previously recited in original claim 54n and now amended claim 1. By incorporating a programmed set of rules in the network storage device for determining what action should be taken when a match occurs, the claimed network storage device is content-aware, as now recited in the preamble of amended claim 1. The feature finds support in the specification as filed, e.g., at paragraph [00148]. The Examiner's argument with respect to claim 54 in page 11 of the Office Action is noted. Basically, the Examiner argues that paragraph [0034] of *Schmelzer* teaches the claim feature, i.e., when a match occurs the processor will record the information in a report. However, it should be noted that the cited paragraph refers to the operation of the media analysis system 126 rather than the network appliance 104 that the Examiner considers to read on the claimed data storage device. *See* Office Action at page 8, line 12. Therefore, any programmed rules that might be presented in the media analysis system 126 are not contained in the network appliance 104, contrary to the claimed invention.

For any of the above reasons, Applicants respectfully submit that amended claim 1 is not anticipated by and is patentable over *Schmelzer*.

The dependent claims are considered patentable at least for the reasons advanced with respect to amended claim 1. The dependent claims are also patentable on their own merits since these claims recite other features neither disclosed, taught nor suggested by the applied art, as will

be apparent to the Examiner upon reviewing these claims.


Each of the Examiner's rejections has been traversed. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

**Alastair Michael SLATER *et al.***

By:  Benjamin J. Hauptman  
Registration No. 29,310

**HEWLETT-PACKARD COMPANY**

Intellectual Property Administration

P. O. Box 272400

Fort Collins, CO 80527-2400

703-684-1111 Telephone

970-898-0640 Telecopier

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